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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 Kyle James,
12 CDCR #BB-1457

13 Plaintiff,

14 vs.

15 Deputy Tade,

16 Defendant.
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} Case No.: 3:15-cv-00409-AJB-MDD

} **ORDER AND WRIT OF HABEAS**
} **CORPUS AD TESTIFICANDUM**
} **TO TRANSPORT KYLE JAMES**
} **(CDCR#BB-1457) TO TRIAL**

19 Plaintiff **Kyle James, CDCR #BB-1457** is the plaintiff and a necessary and
20 material witness to the trial scheduled to take place before the Honorable Anthony
21 J. Battaglia on **February 13, 2018 at 8:30 a.m.** in Courtroom 4A of the United
22 States District Court for the Southern District of California, 221 West Broadway,
23 San Diego, California 92101.

24 Mr. James is currently confirmed at California State Prison, Corcoran, at
25 4001 King Avenue, Corcoran, California 93212, in the custody of the Warden. In
26 order to secure Mr. James' attendance at trial, it is necessary that a Writ of Habeas
27 Corpus Ad Testificandum issue, commanding his custodian to produce him for
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1 trial beginning on February 13, 2018, and continuing day to day until such
2 proceedings are completed or as otherwise ordered by the Court.

3 Accordingly,

4 The Court **ORDERS** that a Writ of Habeas Corpus Ad Testificandum issue,
5 under the seal of this Court, commanding the Warden of California State Prison,
6 Corcoran, and the California Department of Corrections and Rehabilitations to
7 produce **Kyle James, CDCR #BB-1457** in Courtroom 4A of the United States
8 District Court for the Southern District of California, located at 221 West
9 Broadway, San Diego, California, 92101, for the trial beginning on **February 13,**
10 **2018 at 8:30 a.m.** and continuing each business day, Monday through Friday from
11 8:30 a.m. to 5:00 p.m. until the trial is completed.

12 **WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

13 To: The Warden of California State Prison, Corcoran, at 4001 King Avenue,
14 Corcoran, California 93212:

15 **YOU ARE COMMANDED** to produce inmate **Kyle James, CDCR #BB-**
16 **1457** at Courtroom 4A of the United States District Court located at 221 West
17 Broadway, San Diego, California, 92101, for the trial beginning on February 13,
18 2018 at 8:30 a.m. and continuing each business day, Monday through Friday from
19 8:30 a.m. to 5:00 p.m. until the trial is completed.

20 **IN ADDITION, YOU ARE DIRECTED** that during the trial period you
21 shall maintain overnight custody of Mr. James at the Richard J. Donovan
22 Correctional Facility at 480 Alta Road, San Diego, CA 92179.

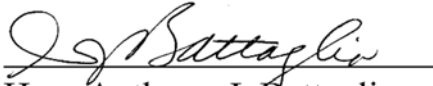
23 **FURTHER**, you have been ordered to notify the Court of any change in
24 custody of Mr. James, and have been ordered to provide the new custodian with a
25 copy of this writ.

26 The Clerk of Court is instructed to serve a copy of this Order on Warden
27 Michael Sexton, California State Prison, Corcoran, at 4001 King Avenue,
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1 Corcoran, California 93212. Plaintiff's counsel is instructed to fax a copy of this
2 Order to the Litigation Coordinator at (559) 992-7372.

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4 IT IS SO ORDERED.

5 Dated: December 8, 2017

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7 Hon. Anthony J. Battaglia
8 United States District Judge
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